

and by adding at the end the following new clause:

“(v) a high deductible health plan, other than a group health plan (as defined in section 5000(b)(1)).”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

**SEC. \_\_\_\_ . CLARIFICATION OF DEFINITION OF GROUP HEALTH PLAN UNDER HIPAA.**

(a) **ERISA.**—Section 733(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(a)(1)) is amended by adding at the end the following: “Such term does not include an arrangement maintained by an employer the sole effect of which is to provide reimbursement to employees for the purchase by such employees of health insurance coverage offered in the individual market (as defined in section 2791(e)(1)) of the Public Health Service Act), notwithstanding that the employer or an employee organization negotiates the cost or benefits of the arrangement.”.

(b) **PHSA.**—Section 2791(a)(1) of the Public Health Service Act (42 U.S.C. 300gg–91(a)(1)) is amended by adding at the end the following: “Such term does not include an arrangement maintained by an employer the sole effect of which is to provide reimbursement to employees for the purchase by such employees of health insurance coverage offered in the individual market, notwithstanding that the employer or an employee organization negotiates the cost or benefits of the arrangement.”.

(c) **IRC.**—Section 9832(a) of the Internal Revenue Code of 1986 (relating to definitions) is amended by inserting before the period the following: “, except that such term does not include an arrangement maintained by an employer the sole effect of which is to provide reimbursement to employees for the purchase by such employees of health insurance coverage offered in the individual market (as defined in section 2791(e)(1)) of the Public Health Service Act), notwithstanding that the employer or an employee organization negotiates the cost or benefits of the arrangement.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

**SA 3493.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3963, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 114 and insert the following:

**SEC. 114. DENIAL OF PAYMENTS FOR EXPENDITURES FOR CHILD HEALTH ASSISTANCE FOR CHILDREN WHOSE FAMILY INCOME EXCEEDS 300 PERCENT OF THE POVERTY LINE.**

(a) **IN GENERAL.**—Section 2105(c) (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

“(8) **DENIAL OF PAYMENTS FOR EXPENDITURES FOR CHILD HEALTH ASSISTANCE FOR CHILDREN WHOSE FAMILY INCOME EXCEEDS 300 PERCENT OF THE POVERTY LINE.**—

“(A) **IN GENERAL.**—For child health assistance furnished after the date of the enactment of this paragraph, no payment shall be made under this section for any expenditures for providing child health assistance or health benefits coverage for a targeted low-income child whose family income exceeds 300 percent of the poverty line.

“(B) **DETERMINATION OF FAMILY INCOME.**—In determining family income under this title (including in the case of a State child health

plan that provides health benefits coverage in the manner described in section 2101(a)(2)), a State shall base such determination on gross income (including amounts that would be included in gross income if they were not exempt from income taxation).”.

(b) **PROHIBITION ON WAIVER OF REQUIREMENTS.**—Section 2107(f) (42 U.S.C. 1397gg(f)), as amended by section 112(a)(2)(A), is amended by adding at the end the following new paragraph:

“(3) The Secretary may not approve a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007 that would waive or modify the requirements of section 2105(c)(8) (relating to denial of payments for expenditures for child health assistance for children whose family income exceeds 300 percent of the poverty line).”.

**SA 3494.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3963, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

On page 281, between lines 16 and 17, insert the following:

**SEC. \_\_\_\_ . POINT OF ORDER AGAINST LEGISLATION THAT RESULTS IN A TAKEOVER OF HEALTH CARE COVERAGE BY THE FEDERAL GOVERNMENT.**

Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

“POINT OF ORDER AGAINST LEGISLATION THAT RESULTS IN A TAKEOVER OF HEALTH CARE COVERAGE BY THE FEDERAL GOVERNMENT

“SEC. 316. (a)(1) **IN GENERAL.**—It shall not be in order in the Senate to consider any bill, resolution, amendment, amendment between Houses, motion, or conference report that—

“(A) imposes Federal Government mandates that reduce the number of Americans covered by private health insurance;

“(B) mandates through Federal law that any employer contributions or private wages that currently fund private health care coverage go to a Federally-run program for health care coverage; or

“(C) displaces the number of individuals in private health care coverage through an expansion or creation of a health care system run by the Federal Government by more than 5 percent of the total number of individuals affected by the expansion or creation of any such system.

“(2) **DETERMINATIONS.**—All determinations required by this subsection shall be made by the Congressional Budget Office.

“(b) **SUPERMAJORITY WAIVER AND APPEAL.**—

“(1) **WAIVER.**—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

“(2) **APPEAL.**—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.”.

**SA 3495.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3963, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 613.

**SA 3496.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3963, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Children's Health Care First Act”.

**SEC. 2. PROHIBITION ON FUNDING CONGRESSIONAL EARMARKS UNTIL ALL UNITED STATES CHILDREN HAVE OPTIMAL HEALTH INSURANCE.**

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not allocate or make payments from any funds appropriated for congressionally directed spending items (as such term is defined for purposes of paragraph 5(d) of rule XLIV of the Standing Rules of the Senate) for fiscal year 2008 or any succeeding fiscal year until on or after the date on which the Secretary of Health and Human Services certifies to Congress that all children in the United States have optimal health insurance.

**SEC. 3. TRANSFER OF EARMARK FUNDS TO SCHIP.**

Notwithstanding any other provision of law, any funds appropriated to the Secretary of Health and Human Services or the Department of Health and Human Services for congressionally directed spending items (as such term is defined for purposes of paragraph 5(d) of rule XLIV of the Standing Rules of the Senate) for fiscal year 2008 or any succeeding fiscal year are hereby transferred and made available for providing allotments to States under section 2104 of the Social Security Act (42 U.S.C. 1397dd) until on or after the date described in section 2.

**SEC. 4. ANNUAL REPORT ON NUMBER OF CHILDREN PROVIDED HEALTH INSURANCE THROUGH TRANSFERRED EARMARK FUNDS.**

Beginning January 1, 2008, and annually thereafter until on or after the date described in section 2, the Secretary of Health and Human Services shall submit a report to Congress on the number of children who are provided child health assistance under a State child health plan under title XXI of the Social Security Act through funds transferred and made available under section 3 for providing allotments to States under section 2104 of such Act.

**AUTHORITY FOR COMMITTEES TO MEET**

**AD HOC SUBCOMMITTEE ON DISASTER RECOVERY**

Mr. DORGAN. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, October 31, 2007, at 2:30 p.m. in order to conduct a hearing entitled, “Post-Catastrophe Crisis: Addressing the Dramatic Need and Scant Availability of Mental Health Care in the Gulf Coast.”

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 31, 2007, at 2:30 p.m., in order to conduct a hearing entitled "Climate Disclosure: Measuring Financial Risks and Opportunities."

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, October 31, 2007 at 10 a.m. in room 406 of the Dirksen Senate Office Building, in order to conduct a hearing entitled, "Examination of the Licensing Process for the Yucca Mountain Repository."

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FOREIGN RELATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 31, 2007, at 11 a.m. in order to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet, during the session of the Senate, in order to conduct a hearing entitled "FISA Amendments: How to Protect America's Security and Privacy and Preserve the Rule of Law and Government Accountability" on Wednesday, October 31, 2007. The hearing will commence at 10 a.m. in room 226 of the Dirksen Senate Office Building.

## Witness list

Panel I: Kenneth L. Wainstein, Assistant Attorney General, National Security Division, U.S. Department of Justice.

Panel II: Edward Black, President and CEO, Computer & Communications Industry Association, Washington, DC; Patrick F. Philbin, Partner, Kirkland & Ellis, Washington, DC; Morton H. Halperin, Director of U.S. Advocacy, Open Society Institute, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON VETERANS' AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, October 31, 2007, in order to conduct a hearing on the Uniformed Services Employment and Reemployment Rights Act. The Committee will meet in room SD-562 of the

Dirksen Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PERMITTING COLLECTION OF DONATIONS IN SENATE BUILDINGS TO BE SENT TO MILITARY PERSONNEL

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 361, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 361) to permit the collection of donations in Senate buildings to be sent to United States military personnel on active duty overseas participating in or in support of Operation Iraqi Freedom, Operation Enduring Freedom, and the war on terrorism.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 361) was agreed to, as follows:

## S. RES. 361

## Resolved,

## SECTION 1. COLLECTION OF DONATIONS TO UNITED STATES MILITARY PERSONNEL.

(a) IN GENERAL.—Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator, officer, or employee of the Senate may collect from another Senator, officer, or employee of the Senate within Senate buildings nonmonetary donations to be sent to United States military personnel on active duty overseas participating in or in support of Operation Iraqi Freedom, Operation Enduring Freedom, and the war on terrorism; and

(2) a Senator, officer, or employee of the Senate may work with a nonprofit organization with respect to the delivery of donations that are collected as described in paragraph (1).

(b) EFFECTIVE PERIOD.—This resolution shall be in effect until December 31, 2007.

## RECOGNIZING 2007 AS THE YEAR OF THE 100TH ANNIVERSARY OF THE AMERICAN SOCIETY OF AGRONOMY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 362, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 362) recognizing 2007 as the year of the 100th anniversary of the American Society of Agronomy.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and motions to reconsider be laid upon the table en bloc; that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 362) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 362

Whereas the American Society of Agronomy was founded on December 31, 1907, with Mark A. Carleton as the first President of the Society;

Whereas the American Society of Agronomy is one of the premier scientific societies in the world, as demonstrated by first-class journals, international and regional meetings, and development of a broad range of educational opportunities;

Whereas the science and scholarship of the American Society of Agronomy are mission-directed, and seek to foster exploration and application of agronomic science, with the goal of increasing and disseminating knowledge concerning the nature, use, improvement, and interrelationships of plants, soil, water, and the environment;

Whereas the American Society of Agronomy strives to obtain that goal by promoting effective research, disseminating scientific information, facilitating technology transfer, fostering high standards of education, striving to maintain high standards of ethics, promoting advancements in the agronomy profession, and cooperating with other organizations with similar objectives;

Whereas the American Society of Agronomy significantly contributes to the scientific and technical knowledge necessary to protect and sustain natural resources in the United States;

Whereas the American Society of Agronomy has a critical international role in developing sustainable agricultural management standards for the protection of land resources;

Whereas the mission of the American Society of Agronomy continues to expand, from the development of sustainable production of food, fiber, and forage, to the production of renewable energy and biobased industrial products;

Whereas the American Society of Agronomy certifies a body of professional Certified Crop Advisors and Certified Professional Agronomists who work closely with agricultural producers to develop nutrient management plans that are designed to minimize environmental risk in production agriculture;

Whereas, in industry, extension, and basic research, the American Society of Agronomy has fostered a dedicated professional and scientific community that, in 2007, includes more than 8,015 members and 13,015 certified crop advisor professionals; and

Whereas the American Society of Agronomy was the parent society that led to the formation of both the Crop Science Society of America and the Soil Science Society of America and later fostered the common overall management of these 3 related societies: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes 2007 as the 100th anniversary year of the American Society of Agronomy;

(2) commends the American Society of Agronomy for 100 years of dedicated service to advance the science and practice of agronomy; and